

## **REMARKS**

Claims 1 and 4-22 are now pending in the application. Claims 1, 4-10, 12-13 and 15-16 are currently amended. Claims 2-3 are cancelled. No claims are newly added by this amendment. Support for the foregoing amendment can be found throughout the specification, drawings, and claims as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

### **REJECTION UNDER 35 U.S.C. § 102**

Claims 1, 16-17 and 19-21 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Min (U.S. Pat. No. 6,760,467; "Min"). This rejection is respectfully traversed.

Claims 10-14 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Daugman (U.S. Pat. No. 5,291,560; "Daugman"). This rejection is respectfully traversed.

Applicant has amended claim 1 to include all the limitations of the allowable claim 3 and the intervening claim 2 and canceled claims 2-3. Therefore, claim 1 should be in condition for allowance. Claims 4-9 and 17-22 depend from claim 1 and, thus, should also be in condition for allowance.

Applicant has amended claims 10, 12, and 13 each to include the limitations of claim 3, i.e., "the predetermined feature being one of or a combination of two or more of moment, central moment, skewness and kurtosis of pixel values." Applicant submits that Daugman fails to disclose the about features. Therefore, claim 10 and its dependent claim 11; claim 12; and claim 13 define over the art cited by the Examiner.

Claim 14 depends from claim 1 or 10 and, thus, also includes the limitations of the original claim 3. Therefore, claim 14 defines over the art cited by the Examiner.

Applicant has amended claim 16 to include limitations similar to the limitations of claim 3, i.e., “the image processing including a step of extracting one of or a combination of two or more of moment, central moment, skewness and kurtosis of pixel values as a predetermined feature.” Applicant submits that Min fails to disclose the about features. Therefore, claim 16 defines over the art cited by the Examiner.

#### **REJECTION UNDER 35 U.S.C. § 103**

Claims 2, 4-5, 7-9, 18, and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Min in view of Zeller (U.S. Pub. No. 2003/0156733; “Zeller”). This rejection is respectfully traversed.

Claims 4-5, 7-9, 18, and 22 depend from claim 1 and, thus, should be in condition for allowance for reasons set forth above regarding claim 1.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Min in view of Jones et al. (U.S. Pub. No. 2002/0107801; “Jones”). This rejection is respectfully traversed.

Applicant has amended claim 15 to include limitations similar to the limitations of claim 3, i.e., “the image processing including a step of extracting one of or a combination of two or more of moment, central moment, skewness and kurtosis of pixel values as a predetermined feature.” Applicant submits that Min and Jones fail to teach

or suggest the above features. Therefore, claim 15 defines over the art cited by the Examiner.

#### **ALLOWABLE SUBJECT MATTER**

The Examiner states that claims 3 and 6 would be allowable if rewritten in independent form. Applicant has amended the base claim 1 to include all of the limitations of claim 3 and the intervening claim 2. Therefore, Applicant submits that claim 1 should be in condition for allowance. Claim 6 depends from claim 1 and, thus, should also be in condition for allowance.

#### **CONCLUSION**

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested.

If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: May 22, 2009

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